



STATE OF NORTH CAROLINA
DEPARTMENT OF TRANSPORTATION

MICHAEL F. EASLEY
GOVERNOR

LYNDO TIPPETT
SECRETARY

**North Carolina Board of Transportation
Environmental Planning and Policy Committee
Meeting Minutes for November 7, 2001**

A meeting of the Environmental Planning and Policy Committee was held on November 7, 2001 at 8:00 AM in the Board Room (Room 150) of the Transportation Building. Nina Szlosberg chaired the meeting. Board of Transportation members that attended were:

Conrad Burrell
Nancy Dunn
Doug Galyon
Clark Jenkins
Margaret Kluttz

Cam McRae
Nina Szlosberg
Alan Thornburg
Paul Waff
Lanny Wilson

Other attendees included:

Roberto Canales
Janet D'Iganzio
David Franklin
Bill Gilmore
Carl Goode
Rob Hanson
Mike Holder
Julie Hunkins
Pat Ivey

Frank Johnson
Carl McCann
Ehren Meister
Mike Mills
Chris Murray
Jon Nance
Sandy Nance
Blake Norwood
Ken Pace

Laura Padgett
Bill Rosser
David Schiller
Roger Sheats
Roy Shelton
Lenwood Smith
Mike Stanley
Dan Thomas
Ron Watson

Ms. Nina Szlosberg began the meeting by welcoming everyone and asking if there were comments or revisions for the October 3, 2001 meeting minutes. Mr. Clark Jenkins asked what prompted the State Minimum Criteria (SMC) to be brought before the Environmental Planning and Policy Committee (EPPC). Ms. Szlosberg stated that the basis for bringing the SMC before the committee is that rules were never adopted by the Board of Transportation for the SMC, which have been used by the North Carolina Department of Transportation (NCDOT) since 1990. The General Assembly requires the SMC to be rules instead of policy. Mr. Allsbrook added the rules that were proposed at the October Board of Transportation meeting are the same as those that NCDOT has used since 1990. Mr. Jenkins inquired as to why the 25-acre minimum cumulative acre ground disturbance criteria was brought up for discussion at the last EPPC meeting. Ms. Szlosberg responded that she was interested in knowing how this criteria translated into a roadway project, equating the 25-acre criteria equivalent to that area needed to construct a 3-5 mile long road. Mr. Jenkins stated that he believes the threshold of 25 acres should be increased to around 50

acres. Ms. Szlosberg reminded the committee that the temporary rules for SMC would be going through the public review process. Mr. Jenkins added that the Board of Transportation would be the final rulemaking body.

Mr. Jenkins requested more information on the reporting of the committee that is working on determining the elements of a transportation plan. The concerns Mr. Jenkins expressed related to the reporting system the committee will have and why a Division of Highways representative was not on the committee. Mr. Jenkins requested that Mr. Dan Thomas who made the presentation on the expansion of the planning regulations at the October EPPC meeting be summoned so that more information could be provided to address his concerns. Mr. Jenkins suggested that his comments could be addressed later in the day at the full Board of Transportation Meeting. The meeting minutes were subsequently approved.

Mr. Carl Goode, Manager, of the Office of Human Environment (OHE) gave a presentation on the OHE. Mr. Goode began by describing the reactive nature that departments of transportation have had in the past with regard to public involvement and community input. Public involvement started in 1956 when public hearing requirements were put in place. At that time, the public generally wanted roads, and citizen's comments were considered and applied only minimally. In 1969, the National Environmental Policy Act required more early planning and public involvement. As a result, public involvement was given more emphasis, but only the minimum requirements were met, as required by law. In 1991, the Intermodal Surface Transportation Equity Act (ISTEA) was enacted that required even more and earlier public involvement. The push behind this legislation was to get the public more active with greater input into the transportation decision-making process. In essence, the public wanted more control over transportation projects. Currently, departments of transportation are rushing to obtain environmental permits to meet schedules for transportation projects, and a lot of resources within NCDOT have been allocated to accomplish that goal. There has not been much of a focus on community/public goals.

Mr. Goode distinguished the difference between a department of transportation's typical goals and the goals of the public. Mainly, DOT's concentrate on letting projects to contract (with specific amounts of dollars each year to be let to contract), getting permits, relieving congestion, enhancing economic development, and providing for an overall better transportation system. While these goals are valid, the public, whose communities are served by the transportation system, have the potential to be greatly affected both positively and negatively by such projects. Mr. Goode suggested that ensuring that safeguarding the quality of life of the public should also be an important goal.

In order to provide a balance of stewardship of both the natural and human environment as we plan and implement transportation improvements, NCDOT needs to be proactive. Earlier and more thorough involvement with the public can reduce the number of public hearings if issues are raised and worked out earlier in the process. Issues that are addressed earlier will reduce the redesign that occurs later in the process; this redesign often effects the amount of time needed to develop a project and can result in project schedule delays. Time and money can be saved through early identification and resolution of issues. Finally, projects that have more public acceptance and support will facilitate NCDOT's overall ability to secure environmental permits.

Mr. Goode commented that both Secretary Tippet and Deputy Secretary Roger Sheats support more early public involvement and an improved process to address community and cultural concerns. As such, the OHE has recently been reorganized and expanded to enable NCDOT to be more proactive in these areas. The Public Involvement, Community Planning, Historic Architecture, Archaeology, and Noise and Air components have been knit together and reorganized consistent with the Federal Highway Administration's Office of Human Environment. Mr. Goode

commented that NCDOT needs to enhance its public involvement efforts and share the control of the transportation decision-making process. These changes, in addition to putting the additional resources in place to achieve these goals, will take many years to implement, but the payoff will be great.

Mr. Jenkins asked if tearing down one historic house takes a historic property off the table for consideration as a protected resource during project development. Mr. Goode indicated that it does not necessarily mean the property is no longer historic, but that each situation must be handled on a case-by-case basis. Another question raised involves the process that takes place when citizens do not like the design that the NCDOT engineers recommend. Mr. Goode admitted that every decision will not make everyone happy; however, it is extremely important that the public is involved at the early planning stages and their concerns heard and considered. Mr. Jenkins added that sometimes it is necessary to tell the public if we are unable to do something, especially if we have the data to back it up. Paul Waff commented on the high amount of resources that are used to develop and defend alternatives that the public does not favor but are requested by the resource agencies. Roger Sheats responded that adjusting the process by accomplishing indirect and cumulative impact assessment and community impact assessments first will reduce the amount of alternatives considered later in the process. Lanny Wilson provided an example of a situation where the number of alternatives had increased greatly during the project development process. Mr. Goode indicated that part of this problem is that there has been a lack of resources in the past to deal with the public early in the process. The expanded OHE will provide help in this area. Time saved at the front end will help at the back end of the process. Another example was given about a bridge replacement project that, when mussels were found in the river, an alternative was developed that relocates 26 families. Mr. Goode stated that often times it comes down to the general public's preferences versus the laws we must follow.

Don Lee, Manager of the Roadside Environmental Unit, reported on the Division Engineer's Environmental Stewardship Program. The Division Engineer's Environmental Stewardship Program's function includes environmental stewardship, obtaining permits for division operations, building local relationships with agencies, and providing training within the division on environmental related issues.

A key element of the program is the Division Environmental Officer who reports directly to the Division Engineer. The first DEO was placed in a division office in 1995; now there is one DEO in each of the 14 divisions. The DEO works according to the division engineer's discretion or individual division needs. The DEO's have backgrounds and education in biology, botony, engineering, and/or soil science. The DEO's understand what environmental commitments are needed in conjunction with each project and often serve as a liaison between the design and construction process. In addition, the DEO's coordinate with the resource agencies and various division offices to facilitate communication, which is the primary benefit of the program. Other duties and responsibilities of the DEO's include identifying environmentally sensitive areas within the division and responding to crisis situations that involve environmental resources. The DEO's also work with environmental agencies to ensure that the secondary road program is accomplished in an environmentally responsible manner. In addition to the benefits of the program listed above, the program also results in increased environmental compliance and environmental stewardship.

The meeting adjourned at approximately 9:05 AM. The next meeting is scheduled for Wednesday, December 5, 2001 at 8:00 AM in the Board Room (Room 150) of the Transportation Building.

NS/jh